Historic Properties & Base Realignment and Closure 2005

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National Historic Landmarks

- Closure -- Fort Monroe, VA
- National Museum of Health and Medicine at Walter Reed Medical Center, DC

Cultural Resources at Major Closures

- 11 Historic Districts
  - Galena Forward Operating Location, Alaska
  - Broadway Complex, San Diego, California (3)
  - Fort Gillem, Georgia
  - Fort McPherson, Georgia
  - Fort Monmouth, New Jersey
  - Brooks City Base, Texas
  - Fort Monroe, Virginia (2)
- 354 Historic Buildings – Contributing Elements of a Historic Districts
- 74 Historic Buildings listed/eligible individually

Cultural Resources at Army Reserve Centers

- *Delaware*: Major Robert Kirkwood United States Army Reserve Center, Newark
- *Maryland*: Flair Memorial Armed Forces Reserve Center, Frederick
- *Missouri*: Jefferson Barracks United States Army Reserve Center
- *Montana*: Army Reserve Center Veuve Hall (building #26) and Area Maintenance Support Activity #75 on Fort Missoula
- *Ohio*: Fort Hayes US Army Reserve Center, Columbus
- *Washington*: Vancouver Barracks

Historic Properties

- 6 Centers have Historic Properties
- No NHLs
- Six Historic Districts
  - 39 buildings/structures
- 15 individual buildings listed/eligible
- Only Vancouver Barracks has archeology sites

Five Steps to Successful Section 106

Military Departments must:

1. Determine if Section 106 applies, and, if so, initiate the review process
2. Gather information to decide which properties are listed on or eligible for the National Register of Historic Places
3. Determine how historic properties might be affected
4. Explore alternatives to avoid or reduce harm to historic properties
5. Reach agreement with SHPOs, and in some cases the ACHP, on measures needed to deal with any adverse effect

Historic Properties

The Military Services/Installations will:

- Have a complete inventory of the Historic Properties
- Have most, if not all, of the documentation to support a nomination to the Federal Register of Historic Places
- Will consult with the State Historic Preservation Office and other stakeholders
- Will negotiate the Memorandum of Understanding or Programmatic Agreement

BRAC Rulemaking Federal Register Notice

§174.19 Historic Preservation

- The Secretary concerned may include such restrictions or conditions (typically a real property interest in the form of a restrictive covenant or preservation easement) in any deed or lease conveying an interest in historic property to a non-Federal entity.
- Before including such a covenant or easement in a deed or lease, the Secretary concerned shall consider whether:
  - the jurisdiction that encompasses the property authorizes such a covenant or easement; and
  - the Secretary can give or assign to a third party the responsibility for monitoring and enforcing such a covenant or easement.

Final Rule published in the Federal Register on February 28, 2006

Base Redevelopment and Realignment Manual

- The Department has published the Base Redevelopment and Realignment Manual, DoD 4165.66-M, on March 1, 2006
- Historic Preservation and Cultural Resources are specifically addressed in Section C8.4 (starting on Page 101).
- Historic Properties and Cultural Resources are referenced appropriately through out the Manual.
- Re-enforces that we must comply with the law.

http://www.defenselink.mil/brac/pdf/4165-66-M_BRI

Fiscal Year 2007 National Defense Authorization Act Section 2823

AUTHORITY TO GRANT RESTRICTIVE EASEMENTS FOR CONSERVATION PURPOSES IN CONNECTION WITH LAND CONVEYANCES

- AUTHORITY TO INCLUDE RESTRICTIVE EASEMENT – Gives the Secretaries of the Military Departments the authority to grant easements – permissive not mandatory.
- AUTHORIZED RECIPIENTS – May be granted only to:
  - a State or local government; or
  - a qualified organization, as that term is defined in section 170(h) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)).
- LIMITATIONS ON USE OF EASEMENT AUTHORITY
  - the proposed recipient of the easement consents to the receipt of the easement;
  - the Secretary determines that the easement is in the public interest and the conservation purpose to be promoted by the easement cannot be effectively achieved through the application of State law by the State or a local government without the grant of restrictive easements;
  - the jurisdiction that encompasses the property to be subject to the easement authorizes the grant of restrictive easements; and
  - the Secretary can give or assign to a third party the responsibility for monitoring and enforcing easements granted under this section.
- CONSIDERATION – Shall be without consideration from the recipient.

Historic Properties & BRAC 2005

https://www.denix.osd.mil/denix/Public/Library/NCR/to